

## **II. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 33-48 remain pending in the application. Claims 18 and 35 have been amended. Claims 1 –17 and 25 are hereby cancelled. The status identifier for claim 18 is “withdrawn – currently amended”, and the status identifier for claims 19-24 and 26-32 is “withdrawn.”

New claims 38-48 are presented. New claims 38-48 have been made dependent on allowed claim 33 and correspond to the limitations of original claims 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, and 17, respectively.

### **A. Information Disclosure Statement**

According to the Final Office Action, the information disclosure statement filed 5-19-08 did not comply with 37 CFR § 1.98(a)(3) because it did not include a concise explanation of the relevance of the Schwerdtfeger reference, as it is presently understood by the individual designated in 37 CFR § 1.56(c) most knowledgeable about the content of the information.

Applicants have submitted herewith an IDS with the Schwerdtfeger reference and an English translation of the Schwerdtfeger reference, except for the tables in the original Schwerdtfeger reference. Applicants respectfully request that the Office consider the original Schwerdtfeger reference and its translation.

### **B. Double Patenting**

Claim 8 was objected to under 37 CFR § 1.75 as being a substantial duplicate of claim 33. Claim 8 has been cancelled. The objection has been rendered moot.

**C. Claim Rejections – 35 USC § 102(b)**

Claims 1-6, 9-17 were rejected under 35 USC § 102(b) as being anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over EP 1178023 to Volker (“Volker”).

Applicants have cancelled claims 1-6 and 9-17. The rejection has been rendered moot.

**D. Allowable Subject Matter**

The applicant acknowledges the Examiner's indication of the allowability of Claim 7, if rewritten into independent form, including all of the limitations of any base claim and intervening claims.

Claims 33-37 are allowed.

Applicants acknowledge the Examiner's indication of the allowability of claims 33-37. Applicants have added new claims 38-48 which should be similarly allowable as they depend from claim 33.

**E. Rejoinder of Process claims**

The product claim 33 has been allowed. Applicants have amended the process claim 18 to incorporate all of the limitations of the product claim, claim 33. The Advisory Action alleged that if claim 25 were rejoined that it would not further limit claim 33 because the limitations of claim 25 are present in claim 33. Accordingly, Applicants have canceled claim 25. Claim 18 is withdrawn-currently amended and claims 19-24, and 26-32 are withdrawn. Therefore, Applicants respectfully request withdrawal of the restriction requirement and rejoinder of the process claims, claims 18-32. If the Office withdraws the restriction requirement to

rejoin the process claims, Applicant respectfully requests that claims 18-24 and 26-32 be considered for examination.

**Conclusion**

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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Date

/EJB/  
Eric J. Baude (Reg. No. 47,413)  
ATTORNEYS FOR APPLICANTS

BRINKS HOFER GILSON & LIONE  
524 SOUTH MAIN STREET  
SUITE 200  
ANN ARBOR, MI 48104-2921  
(734) 302-6010

EJB/dms